



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

HD:hd
Docket No: 04473-99
4 December 2000

I [REDACTED] SNR RET
[REDACTED]
[REDACTED]

Dear Lieutenant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 27 September 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Since the Board found insufficient basis to remove your failures by the Fiscal Year 98 and 99 Naval Reserve Line Lieutenant Commander Selection Boards, they had no grounds to set aside your transfer to the Retired Reserve on 1 October 1999. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

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5420
PERS-911
27 Sep 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
LT [REDACTED] USNR-R, [REDACTED]

Ref: (a) BCNR memo 5420 PERS-OOZCB of 03 Sep 99
(b) Title 10, U.S. Code, Section 1175
(c) Title 10, U.S. Code, Section 12645
(d) Title 10, U.S. Code, Section 14505

Encl: (1) BCNR File No. 04473-99

1. In response to reference (a), we are returning enclosure (1) with the recommendation that [REDACTED]'s petition be denied. LT [REDACTED] is requesting that his record be amended to reflect that he was in Standby Reserve-Inactive (USNR-S2) status in the Naval Reserve from 3 January 1995 through 15 June 1998 and that his failures to select before the FY-98 and FY-99 Naval Reserve Line selection boards be removed.

2. LT [REDACTED] was commissioned in August 1987 and served on active duty from December 1987 until separated in December 1994 via the Voluntary Separation Incentive (VSI) Program. Per reference (b) members participating in the VSI Program must maintain a Naval Reserve status for twice the number of years spent on active duty in order to receive annual payments. To meet this requirement [REDACTED] was assigned to the Individual Ready Reserve (IRR) component of the Ready Reserve when he separated from active duty. He did not actively participate in the IRR for three years. In December 1998 he began participating in a Voluntary Training Unit, a drilling reserve segment of the IRR.

3. Per reference (c) members of the Ready Reserve, including the IRR, are required by law to be considered by promotion boards, whether or not they are actively participating. The zones of eligible officers being considered for promotion and the results of the promotion boards are published via ALNAV

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messages. Officers are not individually notified of their eligibility or selection. It is ultimately the individual officer's responsibility to know if eligible for promotion and if eligible to plan accordingly. [REDACTED] has been a member of the Ready Reserve since his separation from active duty and was eligible for consideration by promotion boards. He was correctly considered by the FY-98 and FY-99 promotion boards and failed of selection on both occasions.

4. Per reference (d) a lieutenant who has at least twice failed of selection and has completed the eight-year military service obligation must transfer to the Retired Reserve, if eligible and requested, or be discharged. We notified [REDACTED] that he is subject to the attrition provisions of law and that his retirement or honorable discharge is required by 1 October 1999. Officers receiving VSI payments must maintain a reserve status to continue receiving payments. We offered [REDACTED] the opportunity to request transfer to the Honorary Retired Reserve to retain his VSI benefits. We have not yet received his response and law requires us to discharge him from the Naval Reserve on 1 October 1999 if we don't receive his request before that date. Regretfully, there is no provision of law or policy to waive this requirement. To ensure [REDACTED] continues to fulfill the requirements of the VSI program by maintaining membership with a reserve component, he must request transfer to the Retired Reserve before 1 October 1999. We strongly urge LT [REDACTED] to contact us at (901) 874-4482/3/4 to discuss his career options.

4. As [REDACTED] stated, he had a number of competing priorities for his time when he separated from active duty. It was his choice not to seek affiliation as a drilling reservist or to more fully pursue other options before he twice failed of selection for promotion. We find no error or injustice in his case.

[REDACTED]

Captain, U.S. Naval Reserve
Director, Naval Reserve Personnel
Administration Division